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EXAMINER

KAO, CHIH CHENG G

ART UNIT PAPER NUMBER

2882

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Please find below and/or attached an Office communication concerning this application or proceeding.

HA

Office Action Summary

Application No.

10/767,602

Applicant(s)

ANDELL ET AL.

Examiner

Chih-Cheng Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 3/31/06. These drawings are acceptable.

Claim Objections

2. Claims 1-35 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following corrections may obviate their respective objections: (claim 1, line 5, "connecting it"; replacing "it" with - -said handle- -), (claim 2, lines 6-7, "the proximity"; replacing "the" with - -a- -), (claim 8, line 3, "said collimator (41) is connectable"; inserting - -and wherein- - before "said collimator"), (claim 12, line 13, "contact line and /or"; inserting a comma after "line"), (claim 12, line 12, "the x-ray source housing"; replacing "a housing", in line 5 of claim 12, with - -an x-ray source housing- -), (claim 13, lines 3-4, "or said collimator or any"; inserting a comma after "collimator"), (claim 22, line 3, "said collimator is connectable"; inserting - -and wherein- - before "said collimator"), (claim 26, line 3, "the x-ray beam"; replacing "the" with - -an- -), (claim 26, line 5, "said handle is used"; inserting - -and wherein- - before "said handle"), (claim 26, lines 6-7, "the distance"; replacing "the" with - -a- -), (claim 28, line 1, "the position"; replacing "the" with - -a- -), (claim 29, line 1, "said x-ray tube"; replacing "tube" with - -source- -), (claim 29, line 3, "said x-ray source housing"; replacing "said" with - -an- -), (claim 30, line 5, "said handle is used"; inserting - -and wherein- - before "said handle"), (claim 31, line 3,

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“contact line and/ or at”; inserting a comma after “line”), (claim 31, line 4, “said x-ray source housing”; replacing “said” with - -an- -), (claim 31, lines 4-5, “said collimator”; replacing “said” with - -a- -), (claim 32, line 3, “aiming arm –assembly,”; inserting a space between the hyphen and “assembly” and deleting the comma after “assembly”), (claim 32, line 5, “said contact”; deleting “said”), (claim 32, line 6, “its counter surface”; replacing “its” with - -a- - and inserting - -of said handle- - after “counter surface”), (claim 35, line 2, “the outer surface”; replacing “the” with - -an- -), (claim 35, line 2, “said collimator”; replacing “said” with - -a- -), and (claim 35, “line 3, “x-ray source” deleting the period before “ray”).

Claims 2-11, 13-25, 27-29, and 31-35 are objected to by virtue of their dependency. For purposes of examination, the claims have been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Eppinger et al. (US 6343875).

Eppinger et al. discloses an assembly comprising at least one aiming arm (fig. 2, #12) connectable to a holder (fig. 2, #60) for image data receiving means (fig. 2, #21), and at least one

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handle (fig. 2, handle between #12 and 13), said handle (fig. 2, handle between #12 and 13) including means for connecting (fig. 2, means between #12 and 13) said handle (fig. 2, handle between #12 and 13) to said at least one aiming arm (fig. 2, #12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 30-32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eppinger et al. as applied to claim 1, above, and further in view of Updegrave (US 3473026).

5. Regarding claim 2, Eppinger et al. discloses an assembly as recited above. Eppinger et al. further discloses wherein said assembly is a part of a system including an intra oral x-ray device (title) which is to be positioned with respect to an intra oral image data receiving means (fig. 2, #21).

However, Eppinger et al. fails to disclose an x-ray source being placed in a housing, at least one aiming arm being connectable to a handle at, or at a proximity of, a first end of said at least one aiming arm, and to a holder for an image data receiving means directly at a second end of said at least one aiming arm.

Updegrave teaches an x-ray source being placed in a housing (fig. 4, #46), at least one aiming arm (fig. 2, #42) being connectable to a handle (fig. 2, #38) at, or at a proximity of, a first end of said at least one aiming arm (fig. 4, #42), and to a holder (fig. 2, area around #22) for an image data receiving means (fig. 2, #22), via a bite block (fig. 2, #21), at a second end of said at least one aiming arm (fig. 2, #42).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Eppinger et al. with the source, arm, and handle of Updegrave, since one would be motivated to make such a modification to more easily align an x-ray beam (col. 1, lines 66-70) as implied from Updegrave.

6. Regarding claim 3, Eppinger et al. further discloses wherein said at least one handle (fig. 1, handle between #12 and 13) is connected to said aiming arm (fig. 1, #12) via means (fig. 1, means between #12 and 13) by which said handle is structured and arranged to be moveable (col. 2, lines 50-52) along said aiming arm (fig. 1, #12).

7. Regarding claim 30, Eppinger et al. discloses a method for aiming an x-ray source with respect to a position of an intra oral image data receiving means (fig. 2, #21), wherein said image data receiving means (fig. 2, #21) is attached to an aiming arm (fig. 2, #12), wherein the aiming arm (fig. 2, #12) is further equipped with a handle, which handle is used as a gripping part (fig. 2, handle and gripping part between #12 and 13).

However, Eppinger et al. fails to specifically disclose an aiming arm used as an aid in aiming an x-ray beam at an image data receiving mean, and using a handle in maneuvering an

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aiming arm – sensor holder – assembly and as an aligning tool for aiming an x-ray beam produced by an x-ray source.

Updegrave teaches an aiming arm (fig. 4, #42) used as an aid in aiming an x-ray beam (fig. 4, x-ray beam from #46) at an image data receiving mean (fig. 4, #22), and using a handle (fig. 4, #38) in maneuvering an aiming arm – sensor holder – assembly (fig. 4, #42 and 22) and as an aligning tool for aiming an x-ray beam produced by an x-ray source (fig. 4, #46).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Eppinger et al. with the aiming of Updegrave, since one would be motivated to make such a modification to more easily align an x-ray beam (col. 1, lines 66-70) as implied from Updegrave.

8. Regarding claims 31, 32, and 34, Eppinger et al. as modified above suggests a method as recited above.

However, Eppinger et al. fails to specifically disclose wherein an x-ray beam is aligned by bringing an x-ray source into contact with a contact construction arranged in a handle, which is able to create at least two contact points, at least one contact line, and/or at least one contact surface with a surface of an x-ray source housing, wherein a desired positioning and aiming assembly containing a desired image data receiving means – sensor holder – aiming arm – assembly is put together, after which the image data receiving means is place in a desired position inside a patient's mouth and an x-ray beam aligned and orientated by making contact between the handle and a counter surface of said handle or element while keeping a sensor stationary, and wherein contact between the handle and an x-ray source is releasable.

Updegrave teaches wherein an x-ray beam (fig. 4, beam from #46) is aligned by bringing an x-ray source (fig. 4, #46) into contact with a contact construction (fig. 4, #43) arranged in a handle (fig. 4, #38), which is able to create at least two contact points, at least one contact line, and/or at least one contact surface with a surface of an x-ray source housing (fig. 4, #46), wherein a desired positioning and aiming assembly containing a desired image data receiving means – sensor holder – aiming arm – assembly (fig. 4, assembly connected to #42) is put together, after which the image data receiving means (fig. 4, #22) is placed in a desired position inside a patient's mouth (fig. 4) and an x-ray beam (fig. 4, beam from #46) aligned and orientated by making contact between the handle (fig. 4, #38) and a counter surface of said handle or element (fig. 4, #46) while keeping a sensor stationary (fig. 4, #22), and wherein contact between the handle (fig. 4, #38) and an x-ray source (fig. 4, #46) is releasable.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the method of Eppinger et al. with the contact of Updegrave, since one would be motivated to make such a modification to more easily align an x-ray beam (col. 1, lines 66-70) as implied from Updegrave.

9. Claims 4-7, 26-29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eppinger et al. and Updegrave as respectively applied to claims 3 and 30 above, and further in view of Kanbar et al. (US 5289522).

10. Regarding claim 4, Eppinger et al. as modified above suggests an assembly as recited above.

However, Eppinger et al. fails to specifically disclose means by which an x-ray source is structured and arranged to be brought repeatedly into at least one constant distance position and/or into known distance positions from an image data receiving means.

Kanbar et al. teaches means by which an x-ray source is structured and arranged to be brought repeatedly into at least one constant distance position and/or into known distance positions from an image data receiving means (col. 5, line 30).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Eppinger et al. as modified above with the means of Kanbar et al., since one would be motivated to make such a modification to more easily indicate the distance of components (col. 5, lines 27-33) as implied from Kanbar et al.

11. Regarding claims 5 and 6, Kanbar et al. further teaches means (col. 5, line 30) whereby at least one handle (fig. 6, #17) is structured and arranged to be connectable to at least one fixed position on an aiming arm (fig. 6, #13), and/or means (col. 5, line 30) whereby said at least one handle (fig. 6, #17) is structured and arranged to be moveable along said aiming arm (fig. 6, #13), which includes indicia (col. 5, line 30), and wherein there are arranged handle position indicia on an accessory attached thereto (col. 5, line 30).

12. Regarding claim 7, Eppinger et al. further discloses wherein any part fixed to housing includes at least one connector or contact element (fig. 2, #13) for said at least one handle (fig. 2, handle between #12 and 13).

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13. Regarding claim 26, Eppinger et al. discloses a method wherein intra oral image data receiving means (fig. 2, #21) is attached to an aiming arm (fig. 2, #12), wherein the aiming arm (fig. 2, #12) is further equipped with at least one handle, which handle is used as a gripping part (fig. 2, handle and gripping part between #12 and 13).

However, Eppinger et al. fails to specifically disclose an aiming arm used as an aid in aiming an x-ray beam at an image data receiving means, and using a handle as a fixed or an adjustable reference element with respect to a distance from said handle to image data receiving means.

Updegrave teaches an aiming arm (fig. 4, #42) used as an aid in aiming an x-ray beam (fig. 4, x-ray beam from #46) at an image data receiving means (fig. 4, #22). Kanbar et al. teaches using a handle (fig. 1, #17) as a fixed or an adjustable reference element (col. 5, line 30) with respect to a distance from a handle (fig. 1, #17) to image data receiving means (fig. 1, #11).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Eppinger et al. with the aiming of Updegrave, since one would be motivated to make such a modification to more easily align an x-ray beam (col. 1, lines 66-70) as implied from Updegrave.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Eppinger et al. with the reference of Kanbar et al., since one would be motivated to make such a modification to more easily indicate the distance of components (col. 5, lines 27-33) as implied from Kanbar et al.

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14. Regarding claim 27, Eppinger et al. as modified above suggests a method as recited above.

However, Eppinger et al. fails to seem to specifically disclose wherein at least one handle is attached to an aiming arm and is used to achieve a desired distance between an x-ray source and image data receiving means by using said at least one handle as a reference point in positioning for exposure.

Kanbar et al. further teaches wherein at least one handle (fig. 1, #17) is attached to an aiming arm (fig. 1, #13) and is used to achieve a desired distance between an x-ray source and image data receiving means (fig. 1, #11) by using said at least one handle as a reference point (col. 5, line 30) in positioning for exposure.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the method of Eppinger et al. as modified above with the reference of Kanbar et al., since one would be motivated to make such a modification to more easily indicate the distance of components (col. 5, lines 27-33) as implied from Kanbar et al.

15. Regarding claim 28, Eppinger et al. further discloses wherein a position of said at least one handle (fig. 2, handle between #12 and 13) on said aiming arm (fig. 2, #12) is adjusted by arranging a connection (fig. 2, connection to #12) between said handle (fig. 2, handle between #12 and 13) and said aiming arm (fig. 2, #12) such that said handle (fig. 2, handle between #12 and 13) is capable of sliding along said aiming arm (col. 2, lines 50-52).

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16. Regarding claim 29, Eppinger et al. as modified above suggests a method as recited above.

However, Eppinger et al. fails to disclose wherein an x-ray source is positioned with respect to a handle by visually using a reference point on a housing or any part attached thereto.

Updegrave teaches wherein an x-ray source (fig. 2, #46) is positioned with respect to a handle (fig. 4, #38) by visually using a reference point on a housing (fig. 2, #46) or any part attached thereto.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the method of Eppinger et al. as modified above with the positioning via a reference point of Updegrave, since one would be motivated to make such a modification to more easily align an x-ray beam (col. 1, lines 66-70) as implied from Updegrave.

17. Regarding claim 33, Eppinger et al. as modified above suggests a method as recited above.

However, Eppinger et al. fails to disclose wherein two handles are arranged on an aiming arm.

Kanbar et al. teaches wherein two handles (fig. 1, #17 and 18) are arranged on an aiming arm (fig. 1, #13).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the method of Eppinger et al. as modified above with the handles of Kanbar et al., since one would be motivated to make such a modification to provide more aiming options (fig. 1, 6, and 8) as implied from Kanbar et al. for more control.

18. Claims 8-13, 18, 19, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eppinger et al., Updegrave, and Kanbar et al. as respectively applied to claims 7 and 30 above, and further in view of Miles (US 6038287).

19. Regarding claims 8, 9, 12, and 35, Eppinger et al. as modified above and below suggests an assembly and method as recited above. Eppinger et al. further discloses wherein said connector or contact element is an integral part of an aiming ring (fig. 2, #13) connectable to an x-ray source.

However, Eppinger et al. fails to specifically disclose an elongated collimator connectable to a housing, and connection in various orientations for supporting various imaging modes, wherein contact is made between a handle and an outer surface of a collimator of an x-ray source.

Miles teaches an elongated collimator (fig. 1, #14) connectable to a housing (fig. 1, #12), and connection in various orientations for supporting various imaging modes (figs. 10 and 11), wherein contact is made between a handle (fig. 1, #28) and an outer surface of a collimator (fig. 2, #14) of an x-ray source (fig. 1, #30).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Eppinger et al. as modified above and below with the collimator and orientations of Miles, since one would be motivated to make such a modification to more easily control the x-ray beam size and exposure area (figs. 1, 10, and 11) as implied from Miles.

20. Regarding claims 10 and 11, Kanbar et al. further teaches wherein a handle (fig. 1, #17) includes two connection means (fig. 1, #18 and 19) for one aiming arm (fig. 1, #13), and wherein the handle (fig. 1, #17) is provided with indicia (col. 5, line 30).

21. Regarding claims 13, 18, and 19, Eppinger et al. as modified above suggests an assembly as recited above.

However, Eppinger et al. fails to disclose wherein a contact construction of a handle includes a curved surface with a curvature equal to that of a surface of an x-ray source housing, wherein a handle is connected to an aiming arm via connections means by which said handle is moved along the aiming arm, and wherein the connection means include at least one hollow-through in the handle with appropriate dimension with respect to that of the aiming arm.

Updegrave further teaches wherein a contact construction of a handle includes a curved surface (fig. 4, #43) with a curvature equal to that of a surface of an x-ray source housing (fig. 4, #46), wherein a handle (fig. 4, #38) is connected to an aiming arm (fig. 4, #42) via connections means by which said handle is moved along the aiming arm (figs. 5 and 6), and wherein the connection means include at least one hollow-through in the handle (fig. 2, #38) with appropriate dimension with respect to that of the aiming arm (fig. 2, #42).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the device of Eppinger et al. as modified above with the contact construction of Updegrave, since one would be motivated to make such a modification to more easily align an x-ray beam (col. 1, lines 66-70) as implied from Updegrave.

22. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eppinger et al., Updegrave ('026), and Miles as applied to claim 13 above, and further in view of Updegrave (US Patent 4048506).

Eppinger et al. as modified above suggests an assembly as recited above.

However, Eppinger et al. fails to specifically disclose wherein a surface is such that when brought into contact with its intended counter surface, the surface and its intended counter surface form an area of an elongated rectangle in a direction perpendicular to that of an x-ray beam produced by an x-ray source.

Updegrave ('506) teaches wherein a surface (fig. 7, #72) is such that when brought into contact with its intended counter surface (fig. 7, #58), the curved surface and its intended counter surface form an area of an elongated rectangle (fig. 7, #62) in a direction perpendicular to that of an x-ray beam produced by an x-ray source (fig. 7, #16).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Eppinger et al. as modified above with the rectangle of Updegrave ('506), since one would be motivated to make such a modification to more easily control the x-ray beam size and exposure area (fig. 7) as implied from Updegrave ('506).

23. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eppinger et al., Updegrave ('026), Miles, and Updegrave ('506) as applied to claim 14 above, and further in view of Angotti et al. (US Patent 5090047).

Eppinger et al. as modified above suggests an assembly as recited above.

However, Eppinger et al. fails to specifically disclose wherein a contact construction of a handle includes at least two pins or the like, and an x-ray source housing, or a part attached thereto, with corresponding holes or recesses, and wherein contact construction creates a three-point connection between at least one handle and housing, or a part attached thereto.

Angotti et al. teaches wherein a contact construction of a handle includes at least two pins or the like, and an x-ray source housing, or a part attached thereto, with corresponding holes or recesses (fig. 1, screws and holes between #24 and 26), and wherein contact construction creates a three-point connection between at least one handle (fig. 1, #24) and housing, or a part attached thereto (fig. 1, #26).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Eppinger et al. as modified above with the contact construction of Angotti et al., since one would be motivated to make such a modification for a stronger connection between components (fig. 1) as implied from Angotti et al.

24. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eppinger et al., Updegrave ('026), Miles, Updegrave ('506), and Angotti et al., as applied to claim 16 above, and further in view of Kanbar et al.

Eppinger et al. as modified above suggests an assembly as recited above.

However, Eppinger et al. fails to specifically disclose wherein there are attached two handles to the aiming arm at, or at a proximity of, a second end of said aiming arm.

Kanbar et al. teaches wherein there are attached two handles (fig. 1, #18 and 19) to the aiming arm (fig. 1, #13) at, or at a proximity of, a second end of said aiming arm (fig. 1, #13).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the device of Eppinger et al. as modified above with the handles of Kanbar et al., since one would be motivated to make such a modification to provide more aiming options (fig. 1, 6, and 8) as implied from Kanbar et al. for more control.

25. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eppinger et al., Updegrave, and Miles as applied to claim 12 above, and further in view of Kanbar et al.

26. Regarding claims 20, 24, and 25, Eppinger et al. as modified above suggests an assembly as recited above.

However, Eppinger et al. fails to specifically disclose wherein a handle includes two connection means for one aiming arm, and wherein the handle is provided with indicia.

Kanbar et al. teaches wherein a handle (fig. 1, #17) includes two connection means (fig. 1, #18 and 19) for one aiming arm (fig. 1, #13), and wherein the handle (fig. 1, #17) is provided with indicia (col. 5, line 30).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the device of Eppinger et al. as modified above with the connections and indicia of Kanbar et al., since one would be motivated to make such a modification to more easily indicate the distance of components (col. 5, lines 27-33) as implied from Kanbar et al.

27. Regarding claim 21, Eppinger et al. further discloses wherein any part fixed to housing includes at least one connector or contact element (fig. 2, #13) for said at least one handle (fig. 2, handle between #12 and 13).

28. Regarding claims 22 and 23, Miles further teaches an elongated collimator (fig. 1, #14) connectable to a housing (fig. 1, #12), and connection in various orientations for supporting various imaging modes (figs. 10 and 11).

Response to Arguments

29. Applicant's arguments with respect to claims 2-25, 28, 29, and 32 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed 3/31/06 have been fully considered but they are not persuasive.

30. Regarding at least claim 1, in response to applicant's arguments, the recitation "to be held in unfixed abutting contact" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim fails to depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone.

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31. Regarding at least claim 12, applicant argues that the docking slot of Miles is not a handle. The examiner disagrees. The docking slot is a handle since it handles the x-ray receptor.

Furthermore in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. This is exemplified by applicant's arguments with regards to Miles not teaching a handle used to position and aim the assembly. The examiner did not rely upon Miles for the teaching of a handle used to position and aim the assembly. This was already disclosed by Eppinger et al. Miles was used for the teaching of contact with a collimator. Therefore, the combination of references suggests a handle (Eppinger et al.) in contact with the outer surface of a collimator (Miles) of an x-ray source.

32. Regarding at least claims 26 and 30, applicant argues that none of the cited references, either along or in combination, teach or suggest a handle that is used as a gripping part in maneuvering an aiming arm. The examiner disagrees. Eppinger et al. discloses a handle that is used as a gripping part (fig. 2, handle and gripping part between #12 and 13) in maneuvering an aiming arm (fig. 2, #12). Updegrave ('026) also teaches using a handle (fig. 4, #38) in maneuvering an aiming arm (fig. 4, #42 and 22). Therefore, the combination of cited references does teach or suggest a handle that is used as a gripping part in maneuvering an aiming arm. Furthermore, a recitation with respect to the manner in which a claimed apparatus is intended to be employed fails to differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

In conclusion, applicant's arguments are not persuasive, and the claims remain rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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